

~~SECRET~~
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL

MAR 10 1976

10 March 1976

94-157

32

MEMORANDUM FOR: The Honorable Edward H. Levi
Attorney General

The Honorable John O. Marsh, Jr.
Counselor to the President

FROM: George Bush
Director

SUBJECT: Proposed Bill on Electronic Surveillance



1. I have reviewed carefully the Attorney General's draft memorandum to the President dated 8 March 1976. I have also reviewed the proposed memorandum from the Secretary of State to the President commenting on this proposed legislation. My principal concern is that there be no unnecessary diminution of collection of important foreign intelligence through the type of capabilities which would be covered by the proposed legislation. With this in mind, I concur fully with the position of the Secretary of State which recommends two adjustments to the proposed bill.

2. Certain communications common carriers are no longer willing to undertake electronic surveillance based on present circumstances. This, of course, seriously affects the capabilities of the Intelligence Community to collect foreign intelligence. Consequently, I can understand that appropriate legislation may be necessary in order to obtain the assistance of the common carriers in the future.

3. The proposed addition to the Justice bill contained in Tab A of the memorandum from the Secretary of State would empower the Attorney General to approve the conduct of electronic surveillance for the purpose of acquiring foreign intelligence if the target is not a United States citizen or an alien lawfully admitted for permanent residence. While I agree with this position, it would appear that with respect to certain communications common carriers we will be unable to obtain their assistance without a court order.

CLASSIFIED BY <u>Signer</u>
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF E.O. 11652, EXEMPTION 1
§ 5E(1), (2), (3) or (4) (circle one or more)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(unless impossible, insert date of event)

~~SECRET~~

APPROVED FOR RELEASE

15 OCT 1996



Photocopy from Gerald R. Ford Library

~~SECRET~~

4. The second point raised by the memorandum of the Secretary of State concerns the modification of the definition of foreign intelligence information to change the standard from "deemed essential to ... the conduct of the foreign affairs of the United States." I agree with the Department of State suggestion that the standard should be "information ... which is of substantial importance to the conduct of the foreign affairs of the United States."

5. [REDACTED]

1.5(2)(c)(d)(e)
1.6(d)(1)(2)(3)(6)

6. [REDACTED]

7. My views, as stated above, are in the interest of the fullest possible collection of foreign intelligence to meet the needs of the White House and other policymakers in the Government, rather than the legislative feasibility of the goals we have addressed.

George Bush
George Bush



~~SECRET~~